

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
FEB 04 2011  
*[Signature]*

JAMES H. ARCHAMBAULT,	)	Civ. 10-4141-LLP
	)	
Petitioner,	)	
	)	
vs.	)	ORDER GRANTING
	)	EXTENSION OF TIME
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

Petitioner, James H. Archambault, requests an extension in order to file a § 2255 petition in this case. Docket 14. Archambault indicates he is being moved to an institution in Seattle, Washington. *Id.* Rule 6(b) of the Federal Rules of Civil Procedure governs extensions of time and requires a showing of good cause for extending time. Fed. R. Civ. P. 6(b). Because he is being moved to a different institution, Archambault has shown good cause and his motion to extend time is granted. Therefore, his request for a stay is moot.

Archambault also moves for the appointment of counsel in connection with his § 2255 motion. There is no constitutional right to appointed counsel in a § 2255 proceeding. *Abdullah v. Hendrick*, 392 F.3d 957, 964 (8th Cir. 2004). The appointment of counsel in § 2255 proceedings is discretionary. 28 U.S.C. § 2255(g) (“[I]n all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel . . .”). Moreover, because Archambault has indicate he would like to file a § 2255 motion and has not yet done so, his request is premature. Accordingly, it is:

ORDERED that Archambault’s motion for an extension of time (Doc. 14) is granted. Archambault shall have until February 28, 2011, to file a § 2255 motion under this case

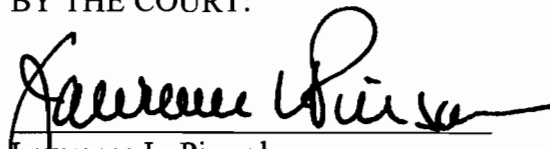
number. If he does not file by that date, using the forms provided by the court, his case will be dismissed.

IT IS FURTHER ORDERED that Archambault's motion to stay (Docket 15) is denied as moot.

IT IS FURTHER ORDERED that Archambault's motion to appoint counsel (Docket 9) is denied as premature.

Dated this 2<sup>nd</sup> day of FEBRUARY, 2011.

BY THE COURT:

  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY:   
DEPUTY